



**Brian J. Benison**  
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April 7, 2004

**VIA ELECTRONIC SUBMISSION**

Ms. Marlene H. Dortch  
Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

***Re: CC Docket No. 01-338, Review of the Section 251 Unbundling  
Obligations of Incumbent Local Incumbent Local Exchange  
Carriers***

Dear Ms. Dortch:

On April 6<sup>th</sup>, 2004, the attached letter was sent via facsimile to the Honorable Michael K. Powell, Chairman of the Federal Communications Commission, the Honorable Kathleen Q. Abernathy, the Honorable Michael J. Copps, the Honorable Kevin J. Martin and the Honorable Jonathan S. Adelstein from Edward E. Whitacre, Jr. Chairman and Chief Executive Officer of SBC Communications, Inc.

I ask that this letter be placed in the files for the proceeding identified above. Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

**/s/ Brian J. Benison**

cc (via electronic mail):

Honorable Michael K. Powell  
Honorable Kathleen Q. Abernathy  
Honorable Michael J. Copps  
Honorable Kevin J. Martin  
Honorable Jonathan S. Adelstein



Edward E. Whitacre Jr.  
Chairman and  
Chief Executive Officer

SBC Communications Inc.  
175 E. Houston Street  
San Antonio, Texas 78205  
210-351-5401

April 6, 2004

Chairman Michael K. Powell  
Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Commissioner Jonathan S. Adelstein  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Dear Commissioners:

Thank you for your letter dated March 31, 2004. I support your proposal that the industry engage in commercial negotiations designed to restore certainty and promote genuine competition in the telecommunications market. We are already actively engaged in negotiations with a number of carriers. In fact, we have reached agreement with Sage Telecom, our third largest wholesale customer, on a 7-year commercial contract to provide wholesale local phone services (including a replacement for the regulatorily-mandated UNE-P) throughout SBC's 13-state service territory. We hope to reach similar agreements with our other wholesale customers.

Based on our recent experience negotiating with Sage and others, we do not believe that a judicial stay of the mandate is necessary to facilitate commercial negotiations. To the contrary, as long as the old rules remain in place, and the prospect of further litigation looms, we are concerned that some companies will have little incentive to engage in serious negotiations.

Nevertheless, in deference to your direct request, SBC will agree to a 45 day extension of the stay of the Court's mandate from May 3 to June 17. If any petitions for rehearing are filed, then we will agree to a stay of the mandate until those petitions are denied or until June 17, whichever is later. We also will agree to a comparable extension (to July 15) of the current deadline for filing a petition for writ of certiorari. If any petitions for rehearing are filed, we will further agree to a deadline for certiorari of July 15 or 30 days following denial of rehearing, whichever is later. We will not agree to any further extensions of the deadlines described above.

We are eager to work with you and with our CLEC wholesale customers to reach agreements that will ensure that our Nation continues to have the most vibrant, the most competitive, and the most creative telecommunications market in the world and that offers consumers real telecommunications choices.

Yours sincerely,

A handwritten signature in cursive script, reading "Ed Whitacre". The signature is written in black ink and is positioned below the "Yours sincerely," text.

Edward E. Whitacre, Jr.